

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

JOHN HARTSOE,

Plaintiff,

vs.

STATE OF MONTANA, et al.,

Defendants.

CV 16-87-M-DLC-JCL

FINDINGS AND  
RECOMMENDATION

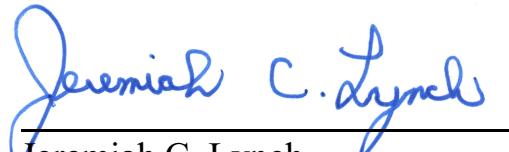
Review of the record reflects Plaintiff John Hartsoe, appearing pro se, has not effected service upon a number the named Defendants within the 90-day period prescribed by Fed. R. Civ. P. 4(m). By Order entered April 19, 2017, the Court directed Hartsoe to file, on or before May 3, 2017, proof of service of the summons and complaint upon Defendants State of Montana, Steve Bullock, Sandy Van Skyock, John Strandell, Clinton Fischer, and Philip Graineney as required by Fed. R. Civ. P. 4(l). (Doc. 68.) Alternatively, the Court ordered Hartsoe to file a brief showing good cause as to why he has not completed service on the referenced Defendants.

Hartsoe has failed to abide by the Court's directive by not filing either proof of service, or a brief showing good cause as required by Fed. R. Civ. P. 4(l) &

(m).<sup>1</sup> Furthermore, the record reflects that as of the date of this ruling Hartsoe still has not filed either alternative papers with respect to any of the referenced Defendants.<sup>2</sup> Therefore, IT IS HEREBY RECOMMENDED that Defendants State of Montana, Steve Bullock, Sandy Van Skyock, John Strandell, Clinton Fischer, and Philip Grainen be DISMISSED without prejudice pursuant to Fed. R. Civ. P. 4(m).

With respect to the remaining Defendants who have filed answers in this action – Defendants Donna Heisel, Michael Umphrey, Brandon Goff, and Rebecca Goff – the Court’s April 19, 2017 order imposed a schedule for the disposition of this action. The final deadline in that schedule – the September 22, 2017 motions deadline – has passed and the remaining parties have not filed motions which have fully disposed of Hartsoe’s remaining claims advanced in this case. Therefore, the Court will, by separate order, set a trial date and further associated deadlines.

DATED this 28<sup>th</sup> day of September, 2017.



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Jeremiah C. Lynch  
United States Magistrate Judge

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<sup>1</sup>Although Hartsoe is proceeding pro se he is still “bound by the rules of procedure.” *Ghazali v. Moran*, 46 F.3d 52, 54 (9<sup>th</sup> Cir. 1995).

<sup>2</sup>In the meantime, by Order entered August 17, 2017, the Court dismissed all of Hartsoe’s claims advanced against Defendants Sam and Barbara Marshall. (Doc. 86.)